Connecticut Council on Freedom of Information

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HB 5548, AN ACT CONCERNING REVISIONS TO THE FREEDOM OF INFORMATION ACT CONCERNING EMPLOYEE RESIDENTIAL ADDRESSES AND CERTAIN HIGHER EDUCATION RECORDS
And
HB 5550, AN ACT CONCERNING A TECHNICAL CHANGE CONCERNING GOVERNMENT ADMINISTRATION AND EXEMPTING COURSE SYLLABI FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT

Committee on Government Administration and Elections

March 18, 2026

Sen. Flexer, Rep. Blumenthal, Ranking Members Sampson and Mastrofrancesco and Honorable Members of the Committee on Government Administration and Elections:

My name is Jacqueline Smith. I am the treasurer of the Connecticut Council on Freedom of Information. We are a 70-year-old organization comprised of open government advocates, Connecticut news media and First Amendment supporters. Our mission is to advocate and promote government transparency, public access, a strong Freedom of Information law and other measures that guarantee the rights of individuals and journalists under the First Amendment to the U.S. Constitution and the Connecticut Constitution.

CCFOI emphatically opposes **Section 2** of **HB 5548** for virtually the same reasons that have been stated in previous years and **HB 5550** for similar reasons. Interestingly, in previous years, the bill concerning the higher education exemption was titled "An Act Establishing an Exemption from Disclosure for Certain Higher Education Records Pertaining to Teaching or Research under the Freedom of Information Act." At least the intent of that bill was clear. This year's bill title is so innocuous that one wouldn't know it's a wolf disguised in sheep's clothing.

Section 2 of SB 5548 represents an effort by the public college and university establishment, led by the University of Connecticut's faculty union, to institute a blanket exemption from the Freedom of Information Act (FOIA) on all non-budgetary information related to teaching and research involving medical, artistic, scientific, legal or other scholarly issues.

No less a personage than UConn President Radenka Maric has noted that "it is critical that we always hold ourselves and our workforce to the highest standards of accountability."

But in the absence of public scrutiny and transparency, there can be no accountability. Surely, President Maric would agree.

On the surface, there are two major reasons why this this misguided proposal is being sought. Faculty members have asserted in the past that they have been harassed and even threatened. There are two provisions of the FOIA that would deal with such conduct. The first is Sec. 210-(b)(3) that provides broad protection from harassment (once reported to law enforcement) when an individual's safety is at risk.

The second is Section 1-206(6) of the FOIA, otherwise known as the vexatious requester provision. Not only can an individual petition the Freedom of Information Commission (FOIC) for relief but there is a bill before this committee, SB 466, that would strengthen the vexatious requester provision by taking into account "harassing or threatening conduct." SB 466 should be approved with the clarification that the conduct should be related to the seeking of documents using the FOIA .

There is no evidence – none whatsoever -- that any individual at a public institution of higher learning has ever used the vexatious requester provision. Instead, the faculty seeks the easy way out: a blanket exemption that would allow everyone in the billion-dollar world of public higher education to operate in secret.

If this bill had been in effect in recent years, the following are some of the stories that the public wouldn't have known about:

- That the now-disgraced chancellor of the Connecticut State College and University (CSCU) System had misspent tens of thousands of dollars on personal luxuries and is collecting $450,000 this year for doing virtually nothing.
- That the head of the UConn police sex crimes unit was removed in 2023 for allegedly kissing and touching staff.
- That an 84-year-old UConn Health Professor continued to receive paychecks for two years after his death.
- That former UConn men's basketball coach Kevin Ollie sued the university for improperly dismissing him and reached a multimillion-dollar settlement.
- That a series of deep cuts in programs and services at the community colleges has decimated the system and caused hardship for students.
- That a UConn faculty member was charged with first-degree larceny after she allegedly used grant money for personal travel and related expenses.
- That the former CSCU chancellor named cronies to highly paid administrative jobs without appropriate personnel searches.
- That the CSCU Board of Regents improperly met in secret to discuss a bureaucratic reorganization involving hundreds of thousands of dollars.
- That the Faculty Senate at Western Connecticut State University passed a vote of "no confidence" in the since-dismissed president.

The aforementioned is just a sampling of the public higher education stories that have been published and /or broadcast in recent years. But the point that has been made

repeatedly to this committee – and repeatedly ignored -- is that none of these stories would have seen the light of day if the bill before you had been approved and signed into law.

To be clear, the faculty members who would be covered by this legislation work on billion-dollar campuses paid for by the public, the research they perform is largely paid for with public monies and their salaries are paid by the public.

So it defies logic that UConn, which often has been dubbed the fourth branch of state government, and the other constituent units would have all of their records, data and information shielded from the public.

The elephant in the room, of course, is the federal government's attacks on academic freedom and on diversity, equity and inclusion, commonly known as DEI. But this legislature shouldn't act out of fear. Lawsuits defending university independence and academic freedom have been successful. Moreover, draping a curtain over a huge chunk of state government and exempting public higher education from the FOIA will never be undone even when this federal administration is out of office.

The same argument holds true for **SB 5550**. No doubt, adversaries may be conducting fishing expeditions looking for evidence of DEI in course syllabi. But a person doesn't have to perform extensive research to find, for example, faculty members who teach women's studies or those who teach the history of slavery and/or the civil rights movement. One only has to click on Faculty Profiles, which are posted on college and university websites, to figure out which faculty members are teaching so-called DEI subjects or using certain targeted books and materials. The information is readily available from a variety of sources.

These two bills are an overreaction to what is going on in Washington D.C. But it is the people's right to know in Connecticut that will be permanently infringed on.

As UConn President Maric said, "It is critical that we always hold ourselves and our workforce to the highest standards of accountability." If this bill were to pass, those words will ring hollow.

Thank you.

Jacqueline Smith
Treasurer, CCFOI